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Paper No. 11

In re Application of :  
Silvano Patelli *et al* :  
Application No. 10/032,388 : DECISION ON PETITION  
Filed: December 20, 2001 :  
Attorney Docket No. 163-367 :

This is a decision on the petition filed on June 24, 2004 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated November 5, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that a timely and proper reply to the Office letter in question was in fact filed. Petitioners support this allegation by furnishing a copy of the reply, and a copy of a postcard receipt for the reply showing that the reply was in fact filed on November 17, 2003, a date within the period set for filing a reply to the Office letter in question. Based upon this evidence, it is clear that the application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner in Technology Center 3700 for entry of the reply attached to the petition, using a date of November 17, 2003 as the filing date for the reply. Thereafter, the application will be forwarded to the examiner for action on the reply.

PETITION GRANTED.

E. Rollins-Cross, Director  
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